

REMARKS

Claims 1-15 were pending. Claim 1 is amended herein without prejudice and without acquiescence, finding support in the specification at least in the originally filed application at p. 15, lines 1-5 and 27-29. No new matter has been added herein.

I. Issue Under 35 USC § 102

Claims 1, 3-12, and 15 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 6,319,469 (“Mian”).

Applicants have amended claim 1 herein to recite that the solid phase is a porous bed of particles and clarify therein that the particles have surfaces exposing a plurality of polar functional groups such that the surfaces are hydrophilic. Therefore, both the reaction microcavity and the solid phase particles in the porous phase have surfaces exposing a plurality of polar functional groups so that the surfaces are hydrophilic. Mian fails to teach at least this element of the presently claimed invention. The Examiner cites col. 43, lines 25-40 of Mian as teaching a solid phase, but this passage refers to Dynabeads that are polystyrene, which is a hydrophobic material.

Therefore, the present invention is novel over Mian, and Applicants respectfully request withdrawal of the rejection.

II. Issue Under 35 USC § 103(a)

A. Claim 2

Claim 2 was rejected under 35 USC § 103(a) as allegedly being unpatentable over Mian.

Applicants reiterate that the presently claimed invention is not disclosed in Mian, because Mian lacks teaching that both the reaction microcavity and the solid phase particles in the porous phase have surfaces exposing a plurality of polar functional groups so that the surfaces are hydrophilic. Mian teaches away from the presently claimed invention, because Mian discloses the use of paramagnetic polystyrene-coated particles (Dynabeads) having a hydrophobic surface (col. 43, lines 30-40). The skilled artisan recognizes that polystyrene is

a hydrophobic material and based on Mian would avoid hydrophilic surfaces as with the claimed invention.

Applicants assert that the claimed invention is not obvious in light of Mian and respectfully request withdrawal of the rejection.

B. Claims 13-14

Claims 13-14 were rejected under 35 USC § 103(a) as allegedly being unpatentable over Mian in view of U.S. Patent Application Publication US2002/0095073 ("Jacobs").

As described above, Mian teaches away from the claimed invention, and Applicants assert that the combination of Mian and Jacobs for claims 13-14 also teaches away from the claimed invention.

Applicants respectfully request withdrawal of the rejection.

III. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe that no fee is due with this response other than the fee for the RCE. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02774US1 from which the undersigned is authorized to draw.

Dated: September 14, 2009

Respectfully submitted,

By___/Melissa L. Sistrunk/____
Melissa L. Sistrunk, Ph.D.
Registration No.: 45,579
FULBRIGHT & JAWORSKI L.L.P.
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
(713) 651-5151
(713) 651-5246 (Fax)
Agent for Applicant